

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLIANCE OPHTHALMOLOGY, PLLC;
DALLAS RETINA CENTER, PLLC;
TEXAS EYE AND CATARACT, PLLC;
AND HOFACRE OPTOMETRIC
CORPORATION, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

ECL GROUP, LLC; ECL HOLDINGS,
LLC; EYE CARE LEADERS HOLDINGS,
LLC; EYE CARE LEADERS
PORTFOLIO HOLDINGS, LLC;
INTEGRITY EMR, LLC; INTEGRITY
EMR HOLDINGS, LLC; ALTA BILLING,
LLC; AND ALTA BILLING HOLDINGS,
LLC,

Defendants.

1:22-CV-00296-LCB-JLW

KIMBERLY FARLEY, CHAD
FORRESTER, AND KIMBERLY
SANDVIG, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

EYE CARE LEADERS HOLDINGS, LLC,

Defendant.

1:22-CV-00468-CCE-JLW

REVISED NOTICE PLAN DOCUMENTS

Pursuant to the Court's Order on September 14, 2023 (Doc. 44), the parties jointly submit the following revised Notice Plan documents:

- Proposed Long Form Notice;
- Proposed Physician Settlement Class Email Notice;
- Proposed Patient Settlement Class Email Notice;
- Proposed Physician Settlement Class Postcard Notice;
- Proposed Patient Settlement Class Claim Form; and,
- Proposed Physician Settlement Class Claim Form.¹

These revised documents should address all of the Court's questions, comments, and proposed edits in its Order with the exception of Question 2. The Court asked about why the notice documents had a distinction for members of the Physician Settlement Class who were under contract with ECL as of April 2023. This distinction does not impact the Physician Settlement Class definition or whether a physician or practice is a member of the Physician Settlement Class. Instead, it impacts whether a member of the Physician Settlement Class is entitled to a billing credit. Under Section 3.2 of the Settlement Agreement (Doc. 67-1), the billing credits are available only for members of the myCare Integrity Class, iMedicWare Class, and MyVisionExpress Class who remained under contract with ECL as of April 2023.

¹ The Proposed Physician Settlement Class Claim form is a new document that was not part of the initial submission (Doc. 72).

WHEREFORE, the parties incorporate the attached Notice Plan documents, along with the Declaration of Cameron R. Azari (Doc. 72-1), and respectfully request that the Court approve the Notice Plan, schedule the fairness hearing, and establish deadlines for providing notice, objecting to the Settlement Agreement, filing a petition for a fee award, and filing briefs in support of final approval of the Settlement Agreement and certification.

This the 4th day of October, 2023,

/s/ Patrick Grayson Spaugh

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